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7           **IN THE UNITED STATES DISTRICT COURT**  
8           **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**  
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10       IN RE PORTFOLIO RECOVERY  
11       ASSOCIATES, LLC,  
12       TELEPHONE CONSUMER  
13       PROTECTION ACT  
14       LITIGATION

No. 11-md-02295-JAH-BGS

Member cases:  
All member cases

**ORDER AND JUDGMENT  
GRANTING FINAL APPROVAL  
OF CLASS ACTION  
SETTLEMENT**

15       On April 25, 2016, Plaintiffs Jeremy Frydman, John Howard, Sam Marin,  
16       Jesse Meyer, Fred Jury, and Danny Allen (collectively, "Plaintiffs") and Defendants  
17       Portfolio Recovery Associates, LLC and PRA Group, Inc. f/k/a Portfolio Recovery  
18       Associates, Inc. (collectively "PRA") entered into a Stipulation and Agreement of  
19       Settlement ("Agreement"), which is subject to review under Rule 23 of the Federal  
20       Rules of Civil Procedure. On April 25, 2016, 2016, Plaintiffs filed a Motion for  
21       Preliminary Approval of Class Action Settlement and Certification of Settlement  
22       Class (hereinafter referred to as the "Preliminary Approval Motion"). On June 23,  
23       2016, upon consideration of the Agreement, the Preliminary Approval Motion, and  
24       the record, the Court entered an Order of Preliminary Approval of Class Action  
25       Settlement (hereinafter referred to as the "Preliminary Approval Order").

26       On October 6, 2016, Plaintiffs filed their Motion for Attorneys' Fees, Costs  
27       and Incentive Payments. On October 6, 2016, Plaintiffs filed their Motion for Final  
28       Approval of Class Action Settlement (hereinafter referred to as the "Final Approval

1 Motion"). Pursuant to their Final Approval Motion, Plaintiffs request final  
 2 certification of the settlement class under Federal Rule 23(b)(3) and final approval of  
 3 the proposed class action settlement.

4 On December 5, 2016, a Final Approval Hearing was held pursuant to Federal  
 5 Rule 23 to determine whether the Action satisfies the applicable prerequisites for  
 6 class action treatment and whether the proposed settlement is fundamentally fair,  
 7 reasonable, adequate, and in the best interests of the Class Members and should be  
 8 approved by the Court. The Court has read and considered the Agreement, the Final  
 9 Approval Motion, any objections filed, the record and arguments by counsel.

10 In conjunction with the findings and ruling issued on the record, IT IS  
 11 HEREBY ORDERED, ADJUDGED AND DECREED:

12 I. TERMS INCORPORATED: The Agreement and all definitions set forth  
 13 therein are hereby incorporated with and made part of this Order Granting Approval  
 14 of Class Action Settlement ("Final Approval Order").

15 II. JURISDICTION: The Court has jurisdiction over the subject matter of  
 16 the Action and over all settling Parties thereto including, without limitation,  
 17 the Class Members.

18 III. CLASS MEMBERS: Pursuant to Fed. R. Civ. P. 23(b)(3), the Action  
 19 is hereby finally certified, for settlement purposes only, as a class action on  
 20 behalf of the following Class Members:

21 All natural persons residing in the United States who received one or more  
 22 telephone calls from an autodialer or a predictive dialer operated by  
 23 Defendants to such person's cellular telephone number between December  
 24 23, 2006 and July 1, 2013, inclusive, and who are listed in the csv data file  
 titled pra\_outbound\_dial\_list\_20140304.zip produced to Plaintiffs' counsel.  
 Excluded from the Class are the Judges to whom the Action is assigned and any  
 member of the Judges' staffs and immediate families, as well as all persons who  
 validly request exclusion from the Class.

1       IV. NOTICE AND CLAIMS PROCESS: Pursuant to the Court's Preliminary  
2 Approval Order, the Settlement Administrator has complied with the approved  
3 Notice process as confirmed in its declaration filed with the Court. The Court finds  
4 that both the direct mail notice and the publication notice were the best practicable  
5 means to provide notice under the circumstances, were reasonably calculated to  
6 apprise the Class Members of the pendency of this action and the terms of the  
7 proposed settlement, and satisfied the due process requirements of the Constitution  
8 of the United States, Rule 23(c)(2) of the Federal Rules of Civil Procedure, and any  
9 other applicable laws. The Court also finds that the notice required by the Class  
10 Action Fairness Act has been satisfied.

11     VI. FINAL CLASS CERTIFICATION: The Court finds that the defined Class  
12 satisfies, for settlement purpose only, the applicable prerequisites for class action  
13 treatment under Fed. R.Civ. P. 23. Namely:

- 14       1) The Class members are so numerous that joinder of all of them in the Action  
15 would be impracticable;
- 16       2) There are questions of law and fact common to the Settlement Class  
17 members, which predominate over any individual questions;
- 18       3) The claims of Plaintiffs are typical of the claims of the Settlement Class  
19 members;
- 20       4) The Plaintiffs and Class Counsel have fairly and adequately represented and  
21 protected the interests of all the Settlement Class members; and
- 22       5) Class treatment of these claims will be efficient and manageable, thereby  
23 achieving an appreciable measure of judicial economy, and a class action is  
24 superior to other available methods for a fair and efficient adjudication of this  
25 controversy.

26     VII. THE SETTLEMENT IS FAIR AND REASONABLE: The Court finds that the  
27 Agreement is in all respects fundamentally fair, reasonable, adequate, and in the best  
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1 interests of the Settlement Class members, especially in light of the benefits to the  
2 Settlement Class members, the strength of the Plaintiffs' case, the complexity,  
3 expense and probable duration of further litigation, the risk of obtaining and  
4 collecting any judgment obtained on behalf of the putative class and, the risk and  
5 delay inherent in possible appeals. The Parties and the Settlement Administrator are  
6 ordered to administer and consummate the settlement in accordance with the terms of  
7 the Agreement.

8 **VIII. ADMINISTRATION OF THE SETTLEMENT FUND:** The Court orders the  
9 Settlement Administrator to distribute the money in the Settlement Fund consistent  
10 with the provisions of the Agreement, and to maintain the Settlement Fund until all  
11 such money has been so distributed.

12 **IX. EXCLUSIONS AND OBJECTIONS:** This Final Approval Order applies to all  
13 Released Claims against all Released Parties settled under the terms of the Settlement  
14 Agreement, and shall be fully binding with respect to all Class Members who did not  
15 properly request exclusion. Those persons requesting exclusion are identified on  
16 Exhibit A to this Order. In addition, the Court hereby excludes these persons, and  
17 Geoff G. Heusohn, Victor Malliaros, Robin Rice and Edward Hagood from the Class  
18 and Settlement Class.

19 After consideration of each of the objections received, the Court hereby  
20 overrules them for the reasons discussed during the hearing.

21 **X. ATTORNEYS' FEES**

22 The requests for attorneys' fees are addressed in a separate order.

23 **XI. INCENTIVE AWARDS**

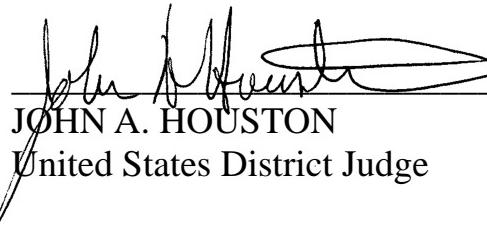
24 The motion for incentive awards is addressed in a separate order.

25 **XII. RELEASE OF CLAIMS AND DISMISSAL OF LAWSUIT:** The Class  
26 Representatives, Class Members, and their successors, heirs, executors, predecessors,  
27 and assigns are permanently barred and enjoined from instituting or prosecuting,

1 either individually or as a class, or in any other capacity, any of the Released Claims  
2 against any of the Released Parties, as set forth in the Agreement. Pursuant to the  
3 Agreement, the Released Claims released specifically extend to all claims and  
4 potential claims that Settlement Class Members do not know or suspect to exist in  
5 their favor as of the Effective Date. Plaintiffs and each Settlement Class Member  
6 shall be deemed to understand and acknowledge that they are aware that they may  
7 hereafter discover facts in addition to, or different from, those facts which they now  
8 know or believe to be true with respect to the subject matter of the Agreement, but  
9 that they fully, finally and forever release all Released Claims, and in furtherance of  
10 such intention, the release will remain in effect notwithstanding the discovery of  
11 existence of any such additional or different facts. The Parties acknowledge that the  
12 release of unknown Released Claims as set forth herein was separately bargained for  
13 and was a key element of the Agreement. The Court dismisses each such Released  
14 Claim with prejudice.

15 XI. JUDGMENT: This document shall constitute a judgment for purposes of Rule  
16 58 of the Federal Rules of Civil Procedure. Final Judgment in this action is hereby  
17 entered. This action, including all claims asserted herein, is hereby dismissed with  
18 prejudice in all respects. Without affecting the finality of this Final Approval Order,  
19 the Court hereby retains continuing and exclusive jurisdiction over the Parties and all  
20 matters relating to the Action and/or Agreement, including the administration,  
21 interpretation, construction, effectuation, enforcement, and consummation of the  
22 Agreement and this order and judgment, and any distributions or disbursements of or  
23 from the Settlement Fund.

24 DATED: January 23, 2017

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JOHN A. HOUSTON  
26 United States District Judge

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